

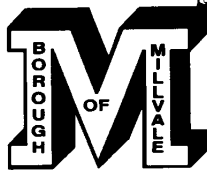
JAMES BURN  
Mayor

JAMES D. PORTER  
President of Council

MICHAEL J. WITHEREL  
Solicitor

VIRGINIA HELLER  
Borough Manager

DID# 0101970003



501 LINCOLN AVENUE  
MILLVALE, PENNSYLVANIA 15209

412-821-2777  
FAX 412-821-7710

**FEE RECEIVED**

JUN 14 2002

**SURFACE  
TRANSPORTATION BOARD**

VINCENT CINSKI  
Vice President

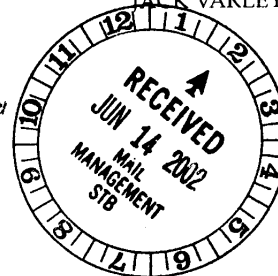
Council Members  
AL ATKINSON  
DON GILLESPIE  
ROBERT L. KNIERIM  
MARY G. SCHESSLER  
JACK VARLEY

June 14, 2002

ENTERED  
Office of the Secretary

JUN 17 2002

Part of  
Public Record



Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, NW, Room 711  
Washington, DC 20423

205632

AR 55-606 X

Re: CSX Transportation, Inc. – Abandonment – Northeast Region, Baltimore Division, P&W  
Subdivision, in Allegheny County, Pennsylvania

Dear Mr. Williams:

This letter is filed on behalf of the Borough of Millvale, Pennsylvania (hereinafter referred to as "Millvale") which is interested in promoting trail development in the Borough of Millvale.

Millvale requests issuance of a Notice of Interim Trail Use ("NITU") for a portion of a line of railroad of CSX Transportation, Inc. ("CSX") in its Northeast Region, Baltimore Division, P&W Subdivision extending between milepost BFH 0.0 and milepost BFH 2.1, a distance of approximately 2.1 miles in Allegheny County, Pennsylvania (the "Subject Line"). The Subject Line is located in two municipalities, the City of Pittsburgh and the Borough of Millvale, both in Allegheny County, Pennsylvania. The portion of the Subject Line in Millvale is approximately 0.5 miles long commencing at milepost BFH 0.0 and<sup>1</sup> terminating at BFH 0.5, a distance of approximately 0.5 miles.

CSX filed a petition for exemption to abandon the Subject Line on February 25, 2002. The Surface Transportation Board ("STB") served and published notice of the petition for exemption in the Federal Register on March 15, 2002, thereby commencing an exemption proceeding pursuant to 49 U.S.C. § 10502(b). A final decision on the exemption petition is anticipated to be issued by June 14, 2002.

The March 15 notice provided that any request for a public use condition under 49 CFR § 1152.28 or for trail use/rail banking under 49 CFR § 1152.29 must be filed no later than April 4, 2002. This request is being filed almost two months after expiration of such deadline. The STB has, however, previously ruled that late-filed trail use requests may be accepted provided that the STB retains jurisdiction over the involved right-of-

<sup>1</sup> It is our understanding that the City of Pittsburgh will file a similar letter with the Surface Transportation Board regarding the portion of the Subject Line located in the City.

**FILED**

JUN 14 2002

**SURFACE  
TRANSPORTATION BOARD**

Mr. Vernon A. Williams  
June 14, 2002  
Page 2

way.<sup>2</sup> The STB has not issued a final decision on the petition for exemption. The STB retains jurisdiction over the Subject Line and may grant the City's request for interim trail use.

The STB's rules state that late-filed trail use statements must be supported by a statement showing good cause for late filing. 49 C.F.R. § 1152.29(b)(3). Borough officials have considered for some time the possibility of railbanking the portion of the Subject Line located in Millvale. This process contributed to the delay in filing this letter with the STB. For the foregoing reasons, Millvale respectfully requests rail banking and interim trail use.

In support of its request, the Borough of Millvale makes the following statement:

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and rail banking under 16 U.S.C. § 1247(d) and 49 CFR § 1152.29, the Borough of Millvale is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the use is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way. The property extends from approximately milepost BFH 0.0 to milepost BFH 0.5, a distance of approximately 0.5 miles in Allegheny County, Pennsylvania. The right-of-way is a portion of a line of railroad proposed for abandonment in Finance Docket No. STB AB-55 (Sub-No. 606X).

A map of the property depicting the right-of-way is attached.

The Borough of Millvale acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

Sincerely,

BOROUGH OF MILLVALE

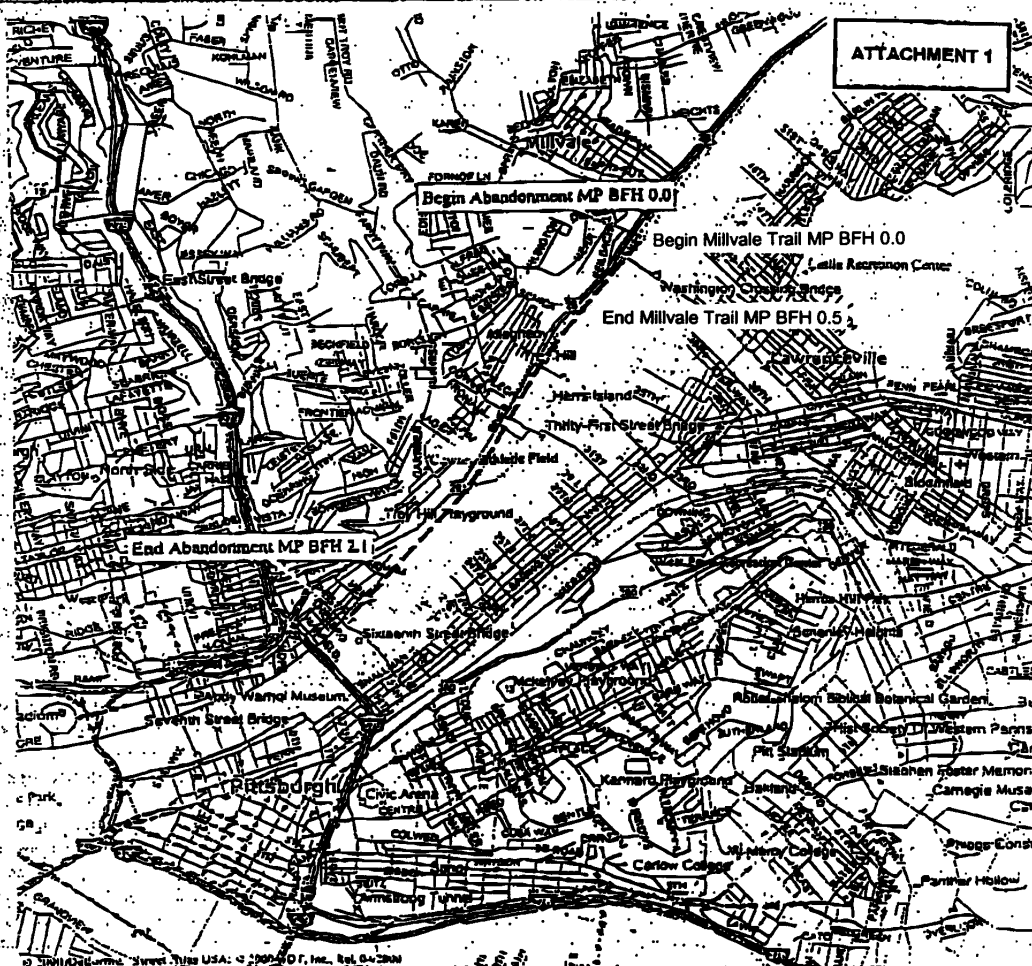
By: James D. Porter  
James D. Porter

Title: Borough Council President

Enclosure

C: CSX Transportation, Inc.  
Attention: Johanna Griffith

<sup>2</sup> See Southeast Kansas Railroad Company – Abandonment Exemption – In Vernon and Barton Counties, MO, AB-470X (STB served September 15, 2000); Track Tech, Inc. – Abandonment Exemption – In Adair and Union Counties, IA, AB-493 (Sub-No. 7X) (STB served July 2, 1998) (citing Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C.



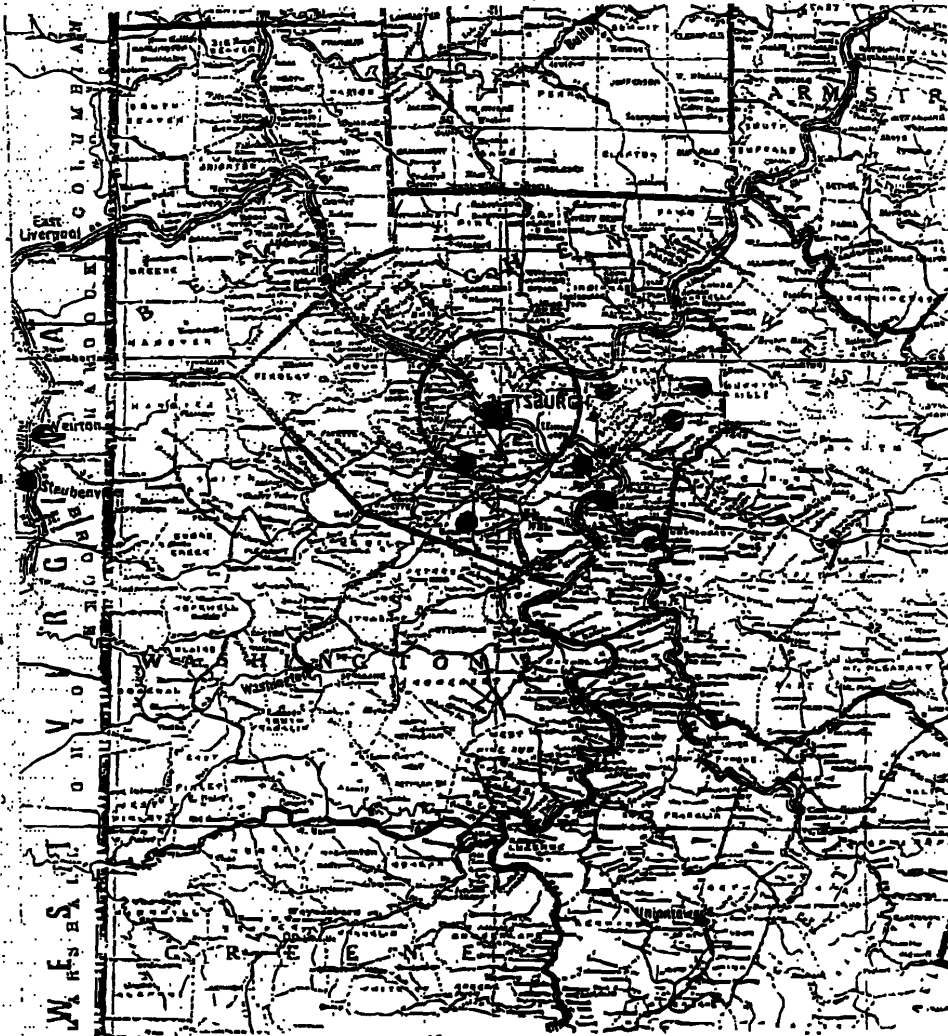
Pittsburgh, Allegheny County  
Pennsylvania

**CSX Transportation**

----- 2.1 Miles of track to be abandoned

CSX Transportation  
Pittsburgh, Allegheny County, Pennsylvania

ATTACHMENT 2



ATTACHMENT 3

U. S. DEPT. OF THE INTERIOR  
QUADRANGLE GEOLOGICAL SURVEY

-34-

PITTSBURGH EAST QUADRANGLE  
Pittsburgh East - Allegheny County  
1893  
Page 1 of 1

